

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

RE: APPLICATION BY T-MOBILE
NORTHEAST LLC FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED
FOR A TELECOMMUNICATIONS FACILITY
AT 208 VALLEY ROAD IN THE TOWN
OF NEW CANAAN, CONNECTICUT

DOCKET NO. _____

Date: April 5, 2010

**APPLICATION FOR CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED**

Pursuant to General Statutes § 16-50g *et seq.* and § 16-50j-1 *et seq.* of the Regulations of Connecticut State Agencies, T-Mobile Northeast LLC ("T-Mobile"), submits this Application for a Certificate of Environmental Compatibility and Public Need ("Certificate") for the construction, maintenance and operation of a wireless telecommunications facility ("Facility") at 208 Valley Road in the Town of New Canaan ("Application").

I. EXECUTIVE SUMMARY

T-Mobile seeks to construct, maintain and operate the Facility on property known as 208 Valley Road in New Canaan ("Property"). The Facility would provide needed coverage to Valley Road, Silvermine Road, just east of Route 123, and the surrounding area. The Facility would consist of a 120 foot monopole structure with antennas concealed therein and related equipment on the ground nearby. The Facility would sit within a 1,250 square foot area leased by T-Mobile, located in the northern portion of the Property, which is an approximate 42 acre parcel. An eight-foot high brown cedar

board stockade fence would secure and conceal the equipment at the Facility. Vehicle access would extend from Valley Road along an existing bituminous driveway.

The Connecticut Siting Council ("Council") has already approved a 120 foot telecommunications facility proposed by T-Mobile on the Property. On October 26, 2004, in Docket 243, the Council made the following findings: (1) a facility would alleviate a demonstrated need for improved wireless service in this area of the Town of New Canaan ("Town"); (2) there were no existing structures within the search area that would be suitable for the location of a wireless facility; (3) the Property would have less visual impact than any other property considered by T-Mobile; and (4) such a facility would not have an adverse impact on the environment.¹

With this Application, T-Mobile seeks a Certificate for the Facility, which is similar to the facility approved by the Council in Docket 243. T-Mobile seeks such approval because the Certificate granted to T-Mobile in Docket 243 has lapsed without T-Mobile constructing the approved telecommunications facility.

Included herein as Exhibit A is a copy of the Council's Community Antenna Television and Telecommunication Facilities Application Guide with references to this Application. The Application also includes the lease, survey-based plans for the proposed Facility and a topography map, attached hereto as Exhibits B, C and D, respectively, and other information detailing the proposed Facility. The reports and supporting documentation included in this Application contain the relevant site specific information required by statute and the Council's regulations.

¹ Pursuant to § 16-50j-28 of the Regulations of Connecticut State Agencies and applicable law, T-Mobile respectfully requests that the Council take administrative notice of the contents of Docket 243, specifically all evidence, findings and decisions entered therein. T-Mobile requests that the Council incorporate the contents of Docket 243 in this Application by reference.

II. BACKGROUND INFORMATION

A. The Applicant

T-Mobile is a limited liability company, organized under the laws of Delaware, with a Connecticut office at 35 Griffin Road South, Bloomfield, Connecticut 06002. The company and its affiliated entities are licensed by the Federal Communications Commission ("FCC") to construct and operate a personal wireless services system in Connecticut, which has been interpreted as a "cellular system" within the meaning of General Statutes § 16-50i (a) (6). T-Mobile does not conduct any other business in the State of Connecticut other than the provision of cellular services under FCC rules and regulations. T-Mobile is committed to use the proposed Facility as the anchor tenant. Communications regarding the Application should be to T-Mobile's attorneys as follows:

Cohen and Wolf, P.C.
1115 Broad Street
Bridgeport, CT 06604
Telephone: (203) 368-0211
Attention: Julie D. Kohler, Esq.
Jesse A. Langer, Esq.

B. Application Fee

The estimated construction cost for the Facility is \$200,000.00. In accordance with § 16-50v-1a (b) of the Regulations of Connecticut State Agencies, a check made payable to the Council in the amount of \$1,000.00 accompanies this Application.

C. Compliance with General Statute § 16-50/ (c)

T-Mobile is not engaged in generating electric power in the State of Connecticut and, therefore, the proposed Facility is not subject to General Statutes § 16-50r. The proposed Facility has not been identified in any annual forecast reports and, therefore, is not subject to General Statute § 16-50/ (c).

D. Application History

T-Mobile initially proposed a 120 foot telecommunications facility at 270 Valley Road, real property owned by the City of Norwalk's First District Water Company ("Water Company"). T-Mobile made this proposal because the Property was unavailable for lease. During the proceedings for Docket 243, T-Mobile indicated to the Council that the Property was a preferable site for a telecommunications facility. On February 18, 2004, the Council denied T-Mobile's Application for a Certificate as it related to the Water Company property.

Upon T-Mobile's motion, the Council re-opened the matter because T-Mobile reached an agreement to lease space for a facility on the Property. The Town and those involved in the proceedings agreed that a facility located on the Property would have less visual impact than a similar facility located on the Water Company property.

On October 26, 2004, the Council approved T-Mobile's Application for a Certificate to construct, operate and maintain a 120 foot facility on the Property. The Decision and Order provided that "[u]nless otherwise approved by the Council, this Decision and Order shall be void if the facility authorized herein is not operational within one year of the effective date of this Decision and Order" T-Mobile did not construct a facility within the time allotted by the Council in the Decision and Order.

T-Mobile, however, continues to experience a coverage gap in this area of the Town. T-Mobile has worked diligently with the owner of the Property, Silver Hill Hospital, INC, to situate the Facility in an area with the least amount of visual impact and intrusion for the Hospital. The Facility, as proposed, would alleviate the existent coverage gap with the least amount of impact to the environment and community.

III. SERVICE AND NOTICE REQUIRED BY GENERAL STATUTE § 16-50/ (b)

Pursuant to General Statutes § 16-50/ (b), T-Mobile sent copies of this Application to municipal, regional, State, and Federal officials. A certificate of service, along with a list of the parties served with a copy of the Application is attached hereto as Exhibit E. Pursuant to § 16-50/ (b), T-Mobile caused notice of its intent to submit this Application to be published on two occasions in *The Stamford Advocate* and *The Norwalk Hour*. Copies of the legal notices and the publisher's certificates of publication are attached hereto as Exhibit F. In compliance with § 16-50/ (b), notices were sent to each person appearing of record as the owner of real property abutting the Property. Certification of such notice, a sample notice letter, and the list of property owners to whom the notice was mailed are included in Exhibit G.

IV. STATEMENT OF NEED AND BENEFIT

A. Statement of Need

In amending the Communications Act of 1934 with the Telecommunications Act of 1996, the United States Congress recognized the important public need for high quality telecommunications services throughout the United States. The purpose of the Telecommunications Act of 1996 was to "provide for a competitive, deregulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies to all Americans." H.R. Conf. Rep. No. 104-458, 206, 104th Cong., Sess. 1 (1996). The Telecommunications Act of 1996 expressly preserved State and/or local land use authority over wireless facilities, placed several requirements and legal limitations on the exercise of that

authority, and preempted State or local regulatory oversight of radio frequency emissions as set forth more fully in 47 U.S.C. § 332(c)(7). In doing so, Congress sought a balance between the public interest in deployment of wireless services and legitimate areas of State and/or local regulatory control over wireless infrastructure.

The Facility is an integral component of T-Mobile's wireless network in the Town. There remains a gap in coverage in this area, specifically along Valley Road and Silvermine Road, just east of Route 123, as well as the surrounding area. The Facility, in conjunction with other existing and future facilities in New Canaan and surrounding towns, is necessary for T-Mobile to provide wireless services to people living in and traveling through this area of the State.

The propagation plots attached hereto as Exhibit H depict T-Mobile's need for the Facility. The propagation plots comport with the Council's previous determination in Docket 243 that there remains a coverage gap in this area of the Town. There have been no developments since 2004 to alleviate the existent coverage gap. Also, based upon the location of the Facility and the current lack of coverage in this area, T-Mobile cannot readily predict when the Facility might reach maximum capacity.

B. Statement of Benefits

T-Mobile is a leading provider of advanced wireless voice and data services throughout the United States. T-Mobile has provided such services in Connecticut since the mid-1990s and remains actively involved in the deployment of state-of-the-art wireless services. In recent years, the public's demand for traditional cellular telephone services has evolved to include expectations of seamless service, wherever the public travels, and readily available access to the internet as well as the ability to send and

receive voice, text, image and video through their wireless devices continuously. The ever increasing availability and enhanced sophistication of wireless services has led the public to use their wireless devices as their primary form of communication for both personal and business needs.

To help provide the benefits of wireless technologies to all Americans, Congress enacted the Wireless Communications and Public Safety Act of 1999 (the "911 Act"). The purpose of this legislation was to promote public safety through the deployment of a seamless, nationwide emergency communications infrastructure that includes wireless communications services. In enacting the 911 Act, Congress recognized that networks capable of rapid, efficient deployment of emergency services would enable faster delivery of emergency care, resulting in reduced fatalities and severity of injuries. With each year since the passage of the 911 Act, additional anecdotal evidence supports the public safety value of improved wireless communications in aiding lost, ill or injured individuals such as motorists, hikers and boaters.

As an outgrowth of the 911 Act, the FCC mandated that wireless carriers provide enhanced 911 services ("E911") as part of their communications networks. These services ultimately allow 911 public safety dispatchers to identify a wireless caller's geographical location within several hundred feet. T-Mobile has deployed and continues to deploy TDOA ("Time Difference of Arrival") network technology to comply with the FCC E911 requirements. The Facility would become an integral component of T-Mobile's E911 network in this area of the state. As other wireless carriers expand their service in the Town through the Facility, E911 services would experience additional improvement.

C. Technological Alternatives

The FCC licenses granted to T-Mobile authorizes it to provide cellular and Personal Communication Services ("PCS services") in this area of the State through deployment of a network of wireless transmitting sites. The Facility is a necessary component of T-Mobile's wireless network. The Facility would also allow other wireless carriers to provide services in this area.

In Docket 243, the Council determined that alternative technologies would not alleviate the coverage gap in this area of the Town. The Council's previous determination remains true. Repeaters, microcell transmitters, distributed antenna systems and other types of transmitting technologies are not a practicable or feasible means to providing service within the sizeable coverage gap in this area. Terrain variations, topography and tree cover in the Town and the surrounding area, as well as other practical factors, limit the use of such technologies and preclude their implementation as alternatives to the proposed Facility. There are no equally effective technological alternatives to construction of a new tower facility for providing reliable personal wireless services in this area of Connecticut.

V. SITE SELECTION AND TOWER SHARING

A. Site Selection

T-Mobile selects a site in an area where there is an existing need or problem regarding coverage or capacity within T-Mobile's network. The site selected is the geographical location where the installation of a telecommunications facility would likely address the identified coverage or capacity issue. T-Mobile conducts a site search with

the goal of finding a site that will resolve the coverage or capacity issue and minimize any potential environmental impact.

In Docket 243, the Council determined that there were no existing towers, transmission line structures or other suitable structures in this area of the Town. T-Mobile's subsequent site search confirmed the Council's earlier findings. The nearest towers and suitable structures are already in use by T-Mobile. Moreover, any other existing towers are too far from the target area to provide coverage to the target area. Finally, there are no other suitable areas of commercial or industrial use in or near the target area.

Based upon T-Mobile's previous site search, the only feasible alternative was the Water Company property, which abuts the Property to the north. T-Mobile initially selected the Water Company property in 2004 since the Property was not available for lease. The Town and those abutters that intervened in the proceedings in 2004 agreed that the Property was a better alternative to the Water Company property.

The proposed Facility would allow T-Mobile to provide coverage while at the same time minimize any environmental impacts. The site of the proposed Facility:

- Is a developed parcel;
- Would provide screening from existing, mature vegetation; and
- Would not impact any wetland systems.

The map of existing facilities within a four mile radius, along with the site selection narrative and map of rejected sites, attached to the Application as Exhibits I and J, respectively, set forth T-Mobile's methodology for conducting site searches. In

accordance with the Council's previous findings, T-Mobile has determined that the Property is the best site for a telecommunications facility in this area of the Town.

B. Tower Sharing

To promote the sharing of wireless facilities in New Canaan, T-Mobile proposes to construct a facility that can accommodate T-Mobile and up to two other wireless carriers in the Connecticut marketplace. Municipal public safety antennas also could be accommodated at no cost to the Town. Details of the design are included in Exhibit C. Materials provided by T-Mobile to the Town articulated T-Mobile's willingness to provide, free of charge, space on the proposed monopole for municipal public safety communications antennas. Cellco Partnership d.b.a. Verizon Wireless has expressed an interest in the Facility.

VI. FACILITY DESIGN

T-Mobile would lease a 1,250 square foot area within the Property, which is an approximately 42 acre parcel. The Property consists of two parcels (parcel A = 23.26 ± acres; parcel B = 18.79 ± acres). The Facility would be located on parcel A. The Facility would consist of a 120 foot monopole structure. T-Mobile would conceal within the monopole up to three panel antennas per sector at 117 and 107 feet above grade level ("AGL") and place its equipment cabinets nearby. The compound would be enclosed by an eight-foot high brown cedar board stockade fence. The monopole tower and equipment compound are designed to accommodate the facilities of all wireless carriers active in the Connecticut marketplace. T-Mobile would make space available, free of charge, for municipal public safety communications.

Vehicular access to the Facility would extend from Valley Road over an existing bituminous driveway. T-Mobile would extend utility service underground from a replacement utility pole on the Property. Exhibit C contains plans, descriptions and other relevant information for the Facility. Exhibit K is an inland wetlands inspection report and statement of compliance. Exhibit L is a listing of residential buildings within 1000 feet of the Facility. Exhibit M is a tree inventory regarding the proposed Facility. In summary, those exhibits reveal the following:

- The nearest wetland system is approximately 400 feet to the northeast of the proposed Facility; the construction, maintenance and operation of the Facility would not have an adverse impact on this wetland system;
- The Property is currently developed and used as a psychiatric hospital;
- The Facility, as proposed, reduces the number of trees to be removed when compared to the facility approved in Docket 243; and
- The Facility would have no impact on water flow, water quality, or air quality and would comply with relevant noise regulations.

VII. ENVIRONMENTAL COMPATIBILITY

Pursuant to General Statutes § 16-50p, the Council is required to find and to determine as part of the Application process any probable environmental impact of the Facility on the natural environment, ecological balance, public health and safety, scenic, historic and recreational values, forest and parks, air and water purity and fish and wildlife. In Docket 243, the Council concluded that a 120 foot telecommunications facility located on the Property would not adversely impact the environment. Similarly, the proposed Facility would not have a significant adverse environmental impact. This Application, along with the accompanying attachments and documentation, confirms the Council's previous determination in Docket 243.

A. Visual Assessment

The visual impact of the Facility would vary from different locations around the Facility depending upon factors such as vegetation, topography, distance from the Facility, and the location of structures around the Facility. Exhibit N contains a computer-based, predictive viewshed model, which has proven to depict accurately the potential impact of the Facility from surrounding views as well as a Visual Resource Evaluation.

T-Mobile retained visibility experts Vanasse Hangen Brustlin, Inc. ("VHB") to prepare the Visual Resource Evaluation. As part of its study, on January 14, 2010, VHB conducted a balloon float at 120 feet AGL to evaluate the potential visual impacts, if any, associated with the Facility. With this balloon float, VHB sought to determine the visibility impact of the Facility, accounting for local, state and federal historic and recreational sites within a two-mile radius of the proposed Site ("Study Area").

The topography and vegetation contained at the Property and within the Study Area serve to minimize the potential visual impact of the Facility. The existing vegetation in the area of the Property is mixed deciduous hardwood species with an average estimated height of sixty-five feet. This vegetation sits on rolling hills that range in ground elevation from approximately ninety feet above mean sea level ("AMSL") to approximately 530 feet AMSL. The tree canopy covers approximately 5,298 acres of the 8,042 acre Study Area. The Study Area includes approximately 100 linear miles of roadways as well as 221 acres of surface water, including portions of the Silvermine River, South Norwalk Reservoir, Rock Lake and Thayers Pond.

The Visual Resources Evaluation demonstrates that the Facility would be as inconspicuous as possible. Based on the viewshed analysis contained in Exhibit N, areas from which the Facility would be at least partially visible year round comprise only eight acres, which is less than one-half of 1 percent of the entire Study Area. These views would be limited primarily to the Property and a small segment of Valley Road within the immediate vicinity of the proposed Facility. There are several small pockets of year round visibility located to the north, northeast and southeast of the Facility. The Facility would be visible year round to four residential properties within the Study Area, which would include three properties on Valley Road and one property on Wardwell Drive. The Facility would also be visible from portions of the Water Company property, which also abuts the Property. The views would be limited to the upper portion of the proposed Facility.

Areas of seasonal visibility (leaf-off views) would comprise of approximately sixteen additional acres, within 0.25 miles of the proposed Facility. The areas with seasonal views include an approximate one-tenth of a mile segment of Valley Road that abuts the Property; an area to the northwest of the proposed Facility that extends to select portions of Wardwell Drive; an area located near the end of Turning Mill Lane; and an isolated area along Huckleberry Hill Road. There are eight additional residential properties that would have limited seasonal views of the Facility, including three properties along Valley Road; two properties on Turning Mill Lane; one property on Huckleberry Hill Road; one property on Thayer Drive; and one property on Wardwell Drive.

The Facility would have a *de minimis* visual impact as it would be screened by the proposed fencing and existing, mature vegetation. The Visual Resources Evaluation demonstrates that the Facility would not be obtrusive, even from most of the areas where the Facility would be partially visible. Furthermore, the proposed stealth design of the Facility would further minimize the Facility's visual impact. Accordingly, the proposed Facility would not result in an unacceptable adverse visual impact. Weather permitting, T-Mobile will raise a balloon with a diameter of at least three (3) feet at the Facility on the day of the Council's first hearing session on this Application, or at a time otherwise specified by the Council.

B. Solicitation of State Agency Comments

T-Mobile submitted a request for review and comment for the Facility to the Connecticut State Historic Preservation Officer ("SHPO") and obtained the necessary maps from the database of the Connecticut Department of Environmental Protection ("DEP"). SHPO has determined that no impact is anticipated, given the nature of the terrain and soil on the Property. Additionally, the Property does not host any wetlands or waterways. Copies of the SHPO correspondence and the DEP map regarding the Facility are attached hereto as Exhibit O.

C. MPE Limits/Power Density Analysis

In August 1996, the FCC adopted a standard for exposure to Radio Frequency ("RF") emissions from telecommunications facilities like the Facility proposed in this Application. To ensure compliance with applicable standards, T-Mobile performed maximum power density calculations for the Facility assuming that the antennas were pointed at the base of the tower and all channels were operating simultaneously. The

resulting power density for T-Mobile's operations would be approximately 9.0815 percent of the applicable FCC standards. A copy of the power density calculations and report for the Facility is attached hereto as Exhibit P.

D. Other Environmental Factors

The Facility would be unmanned, requiring infrequent monthly maintenance visits by each carrier that will last approximately one hour. T-Mobile's equipment at the Facility would be monitored twenty-four hours a day, seven days a week from a remote location. The Facility would not require a water supply or wastewater utilities. No outdoor storage or solid waste receptacles would be needed, and the Facility would not create or emit any smoke, gas, dust or other air contaminants, noise, odors or vibrations. The construction and operation of the proposed Facility would have no significant impact on air, water, or noise quality.

T-Mobile retained EBI Consulting ("EBI") to evaluate the Facility in accordance with the FCC's regulations implementing the National Environmental Policy Act of 1969 ("NEPA"). A copy of the NEPA Summary Report is attached hereto as Exhibit Q. The site of the Facility is not designated as a wilderness area and it is not located in any areas identified as a wildlife preserve or in a U.S. Fish and Wildlife Service National Wildlife Refuge. The Facility would not affect threatened or endangered species or designated critical habitats. There are two endangered species (piping plover and roseate tern) and one threatened species (bog turtle) in Fairfield County. The proposed Facility would not be situated within the natural habitat for any of these species. Additionally, the proposed Facility complies with the guidelines set by the United States Fish and Wildlife Service as the Facility would be well below 199 feet in height.

There are no National Parks, National Forests, National Parkways or Scenic Rivers, State Forest, State Designated Scenic Rivers or State Gamelands located in the vicinity of the site of the Facility. Further, according to the site survey and field investigations, the Facility would not impact any federal or state regulated wetlands or watercourses. In addition, the Facility would not be located within a floodplain.

The Facility would not affect any sites, buildings, structures or objects significant to American history, architecture, culture, archeology or engineering. On November, 4 2009, SHPO issued a letter stating that the proposed Facility would not impact such resources. EBI also consulted with four Native American Indian tribes – Delaware Nation, Mashantucket Pequot Tribe, Narragansett Indian Tribe and Delaware Tribe of Indians of Oklahoma – because they might have interests impacted by the construction, operation and maintenance of the Facility. All but the Narragansett Indian Tribe responded and confirmed that they do not have any interests that would be impacted by the Facility. T-Mobile contacted the FCC after receiving no response from the Narragansett Indian Tribe. The FCC attempted to communicate with that Tribe and received no response. The FCC therefore concluded that the Tribe had no interest in the proposed Facility and that T-Mobile had met its obligations for tribal consultation.

As such, the Facility is categorically excluded from any requirement for further environmental review by the FCC pursuant to the NEPA and no permit is required by the FCC prior to construction of the Facility. See 47 C.F.R. §§ 1.1306(b) and 1.1307(a). This determination comports with the Council's previous determinations of no adverse environmental impact, in Docket 243, regarding a proposed facility with similar specifications.

VIII. CONSISTENCY WITH THE NEW CANAAN LAND USE REGULATIONS

The Facility would be consistent with New Canaan's Zoning and Wetland Regulations and Plan of Conservation and Development. A description of the zoning classification of the Facility and the planned and existing uses of the Property are also detailed in this section.

A. New Canaan Plan of Conservation and Development

The New Canaan Plan of Conservation and Development ("Plan"), a copy of which is included in the bulk filing, was adopted on June 10, 2003. The Plan recognizes that wireless services are "an expanding area of [the Town's] infrastructure system." See Bulk Filing, the Plan § 12-3. The Plan also recognizes the need for enhanced communications, particularly enhanced communications for emergency services. See *id.*, §§ 10-2 and 10-4. The construction, maintenance and operation of the Facility would provide the Town's residents with much needed and much requested wireless communications services. The Facility would also improve the Town's ability to provide its residents with enhanced emergency services – an articulated objective of the Plan.

B. New Canaan Zoning Regulations

The Town's Zoning Regulations do not address telecommunications facilities within the Council's jurisdiction. See Bulk Filing, New Canaan Zoning Regs. § 7.8. The Facility, however, would comport with the yard requirements for parcels in a Two Acre Residential Zone. See Exhibit C; Bulk Filing, New Canaan Zoning Regs. § 3.5.

C. Planned and Existing Land Uses

The Property is currently used as a psychiatric hospital. T-Mobile is not aware of any future development plans regarding the Property.

D. New Canaan Inland Wetlands and Watercourses Regulations

The New Canaan Inland Wetlands and Watercourses Regulations ("Wetlands Regulations") regulate certain activities conducted in or adjacent to "wetlands" as defined therein. A "regulated activity" includes "[a]ny operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses" A "regulated activity" also includes "any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing or removing of material and discharging of stormwater on the land" within "upland review areas" as defined by the Wetlands Regulations. See Bulk Filing, Inland Wetlands and Watercourses Regulations, § 2.1.

According to the site survey and field investigations conducted at the Property, the Property does not host a wetlands system. The proposed Facility would be located approximately 400 feet from the nearest wetland system. The proposed Facility would not be in any "upland review areas." VHB concluded that the proposed Facility would not have a detrimental impact on any wetland system. See Exhibit K.

IX. CONSULTATIONS WITH LOCAL, STATE AND FEDERAL OFFICIALS

A. Local Consultations

General Statutes § 16-50/ (e) requires an applicant to consult with the local municipality in which a proposed facility may be located and with any adjoining municipality having a boundary of 2,500 feet from the proposed facility concerning the proposed and alternate sites of the facility. On January 29, 2010, T-Mobile submitted a technical report to the First Selectman, the Honorable Jeb Walker, regarding the

Facility. T-Mobile also submitted a technical report to the First Selectman of Wilton, the Honorable William F. Brennan, because the proposed Facility would be located within 2,500 feet of Wilton's boundary. The technical report, a copy of which is being bulk filed with this Application, included specifics about the Property, the Facility, the site selection process and the environmental effects, if any, of the proposed Facility. The cover letter accompanying the technical report is attached hereto as Exhibit R. On March 3, 2010, T-Mobile met with First Selectman Walker and his Administrative Officer, Thomas R. Stradler, CPA, to discuss the proposed Facility. The Town of Wilton did not request a meeting.

B. Consultations with State Officials

As noted in Section VII.B, *supra*, of this Application, T-Mobile undertook a consultation with the SHPO and obtained a DEP map from the DEP's database in the course of its NEPA survey. Copies of the correspondence with SHPO and the DEP map are attached hereto as Exhibit O.

C. Consultation with Federal Agencies

T-Mobile received a report from Site Safe for the Facility regarding compliance with the regulations promulgated by the Federal Aviation Administration ("FAA"), which is attached hereto as Exhibit S. The results indicate that the Facility would not require FAA registration, let alone FAA review as a potential air navigation obstruction or hazard. Therefore, no FAA lighting or marking would be required for the towers proposed in this Application.

T-Mobile's FCC license permits it to modify its network by building wireless facilities within its licensed area without prior approval from the FCC provided that a

proposed facility does not fall within one of the “listed” categories requiring review under the NEPA. The “listed” categories, included in 47 C.F.R § 1.1307, are activities that may affect wilderness areas, wilderness preserves, endangered or threatened species, critical habitats, National Register historic districts, sites, buildings, structures or objects, Indian religious sites, flood plains and federal wetlands. The resulting summary report, attached hereto as Exhibit Q, and discussed in Part VII.D., *supra*, confirms that the Property does not fall under any of the NEPA “listed” categories of 47 C.F.R. §1.1307. Thus, the proposed Facility does not require review by the FCC pursuant to the NEPA.

X. ESTIMATED COST AND SCHEDULE

A. Overall Estimated Cost

The total estimated cost of construction for the Facility is \$200,000.00. This estimate includes:

- (1) Tower and foundation costs (including installation) of approximately \$85,000.00;
- (2) Site development costs of approximately \$70,000.00; and
- (3) Utility installation costs of approximately \$45,000.00.

B. Overall Scheduling

Site preparation and engineering would commence immediately following Council approval of T-Mobile’s Development and Management (“D&M”) Plan and is expected to be completed within four (4) to five (5) weeks. Installation of the monopole structure, antennas and associated equipment is expected to take an additional eight (8) weeks. The duration of the total construction schedule is approximately thirteen (13) weeks.

Facility integration and system testing is expected to require an additional two (2) weeks after the construction is completed.

XI. CONCLUSION

This Application and the accompanying materials and documentation demonstrate that a public need exists in the Town for improved wireless services and that the Facility would not have any substantial adverse environmental effects. Nothing has changed to alter the Council's conclusions rendered in Docket 243 – a 120 foot telecommunications facility situated on the Property would alleviate an existent coverage gap in this area of the Town and do so without adversely impacting the environment. T-Mobile therefore respectfully submits that the public need for the Facility outweighs any potential environmental effects resulting from the construction of the Facility, and that the Council should grant to T-Mobile a Certificate of Environmental Compatibility and Public Need for the Facility.

Respectfully Submitted,

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